

Application Serial No. 10/297,279

Page 10 of 15

Date April 26, 2007

Reply to Office Action dated January 26, 2007

**REMARKS**

Upon entry of this Amendment, claims 1, 3-23, 25-28, 30 and 31 are presently pending in the Application. The Office Action of January 26, 2007 has been received and carefully considered. In response thereto, this Amendment is submitted. It is submitted that, by this Amendment, all bases and rejection and objection are traversed and overcome. Reconsideration is, therefore, respectfully requested.

Claims 3-8 and 11-16 currently stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. The claims have been amended paying careful attention to the Examiner's concerns. It is submitted that, by this Amendment, the claims now particularly point out and distinctly claim the subject matter that the Applicant regards as the invention.

Claims 1, 9, and 30 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by Powlan (U.S. 3,888,243). Regarding claim 1, the Examiner indicates that the Powlan reference discloses a traction device for use on a support surface comprising a body contacting assembly adapted to releasably contact an anatomical region of the patient and a tractive force exertion apparatus capable of exerting tractive force on the body contacting assembly. The tractive force exertion apparatus includes a gas spring having an upper end and a lower end that is variable between an extended rest position and a retractive force-exerting position. The Examiner indicates that Powlan also includes means for retracting the gas spring member into a force retracting position and a tractive force transferring system connected between the body contacting assembly and the tractive force exerting apparatus. Claim 1 has been amended to include the limitations previously present in claim 2. It is submitted that the Powlan reference fails to teach or suggest a traction device for use on a support surface that includes a pulley mechanism located proximate to the upper end of the gas spring; an elongate member adjustably attached to the lower end of the gas spring; and a truss pivotally attached to the elongate member, the truss having a first end region and a second end region, the first end region pivotally connected to the elongate member and located a spaced distance from the lower end of the gas spring, the second end region connected proximate to the pulley

Application Serial No. 10/297,279

Date April 26, 2007

Reply to Office Action dated January 26, 2007

Page 11 of 15

mechanism and proximate to the upper end of the gas spring member in which the tension line extends through the pulley mechanism from a point of attachment with the body contacting assembly to a point of attachment with the elongate member of the tractive force exertion apparatus.

With regard to claim 9, the Examiner contends that Powlan discloses in Fig. 1 that the tractive force transferring means is mounted on a support surface. As to claim 30, the Examiner indicates that Powlan discloses the tractive force transferring mechanism discussed previously, and that the tractive force transferring system comprises a tension line having a first end and a second end, with the first end connected to the body contacting assembly, and the second end attached to the tractive force exerting apparatus.

The applicant's invention as set forth in claim 30 has been amended to specify that the tractive force exertion apparatus is configured to be moveable relative to the support surface. It is submitted that the Powlan reference fails to teach or suggest such a configuration. Claim 9 depends from claim 30 to contain all of the limitations found in claim 30 and is considered to be novel over the Powlan reference for the reasons set forth in conjunction with claim 30.

Claims 17-22 and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Miller (U.S. 1,205,649). The Examiner indicates that, with regard to claim 17, Miller discloses a traction device for use on a support surface comprising a body contacting assembly adapted to releasably contact an anatomical region of the patient as well as a tractive force exerting apparatus capable of exerting force on the body contacting assembly. The tractive force exerting apparatus is held to include a gas spring member variable between an extended rest position and a retracted force-exerting position (as would occur when the bed is in the "V" position), the gas spring having an upper end and an opposed lower end. The device also includes an elongate member adjustably attached to the lower end of the gas spring and a truss having a first end region and a second end region located a spaced distance from the lower end of the gas spring. As to claim 18, the Examiner contends that the Miller reference discloses the traction device in which the traction force exerting assembly comprises a pulley mechanism located proximate to the upper end of the gas spring wherein the tension line extends through the pulley mechanism from a point of attachment with the body contacting assembly to a point of attachment with the elongate member of the tractive force

Application Serial No. 10/297,279

Page 12 of 15

Date April 26, 2007

Reply to Office Action dated January 26, 2007

exerting mechanism.

Claim 17 has been amended to specify that the tractive force exertion mechanism is configured to move independent of the support surface. It is submitted that the Miller reference fails to teach or suggest such a configuration.

As to claim 19, the Examiner contends that Miller discloses the traction device in which the tractive force transferring means is mounted to the support surface. As to claim 20, the Examiner contends that the Miller reference discloses the traction device in which the support surface is a table and the traction device further comprises at least one mounting bracket.

Claims 19 and 20 depend from claim 17 to contain all of the limitations found therein. By this dependency, it is submitted that the applicant's invention as set forth in claims 19 and 20 is not taught, anticipated or rendered obvious for the reasons set forth in conjunction with claim 17.

As to claim 21, the Examiner indicates that the Miller reference discloses the traction device discussed previously and further including at least one additional pulley positioned at the spaced distance from the member to which it is connected. Claim 21 has been amended to specify that the tractive force exerting mechanism is configured to move independent of the support surface. It is submitted that the Miller reference fails to teach or suggest such a configuration. Thus it is submitted that the applicant's invention as set forth in claim 21 is not taught, anticipated or rendered obvious in view of the Miller reference.

As to claim 22, the Examiner indicates that the Miller reference discloses that the body contacting assembly is configured to engage a portion of a body proximate to at least one of the cervical regions or lumbar regions.

As to claim 31, the Examiner contends that the Miller reference discloses that the traction device comprises a tension release line (53). Claims 22 and 31 depend from claim 17 to contain all of the limitations found therein. By this dependency, it is submitted that the applicant's invention as set forth in claims 22 and 31 is not taught, anticipated or rendered obvious for the reasons set forth in conjunction with claim 17.

Claim 10 currently stands rejected under 35 U.S.C. § 103(a) as being unpatentable

Application Serial No. 10/297,279

Date April 26, 2007

Reply to Office Action dated January 26, 2007

Page 13 of 15

over Powlan (U.S. 3,888,243). The Examiner contends that the Powlan reference disclosed in Fig. 1 the traction device in which the support surface is a bed frame in which the traction device further comprises at least one mounting bracket affixed to the bed frame. The Examiner indicates that the Powlan reference fails to disclose that the bed frame is a table. The Examiner observes that the bed frame has four supporting legs and a horizontal surface supported by the four legs that is capable of holding substantial weight. A bed frame is capable of doing the same job as a table in this instance. Thus, the Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a bed frame for a table.

Claim 10 depends from claim 9 to contain all of the limitations found therein. By this dependency, it is submitted that the applicant's invention as set forth in claim 10 is not taught, anticipated or rendered obvious by the cited references for the reasons discussed previously in conjunction with claim 9.

Claims 23, 25, 26, and 28 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller in view of Yellin (U.S. 2,633,125). With regard to claim 23, the Examiner indicates that the Miller reference discloses the device as claimed but fails to disclose that the tension release mechanism includes a motorized assembly actionable on the tension release line to release the tension and a power supply for the motorized assembly. The Yellin reference is cited as disclosing a traction device used on the cervical portion of the body that employs a motor to apply and release force delivered via the tension line. In view of this, the Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller with motorized tension release of Yellin in order to automate the traction.

Claim 23 has been amended to include all of the limitations previously found in claim 24. It is submitted that claim 24 has been considered allowable if rewritten in independent form to contain all of the limitations found in claims 23 and 24. Thus it is submitted that the applicant's invention as set forth in claim 23 as amended is not taught, anticipated or rendered obvious by the cited references.

Claims 25 -28 each depend either directly or indirectly from claim 23 to contain all of the limitations found therein. By this dependency, it is submitted that the applicant's invention as set

Application Serial No. 10/297,279

Page 14 of 15

Date April 26, 2007

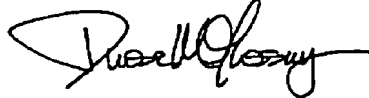
Reply to Office Action dated January 26, 2007

forth in claims 25-28 is not taught, anticipated or rendered obvious by the cited references for the reasons discussed previously in conjunction with claim 23.

In summary, claims 1, 3-6, 10, 11, 13, 15, 16, 17, 21, 23 and 30 have been amended by this action. It is submitted that in view of this amendment, the invention as set forth in claims 1, 3-3-23, 25-28, 30 and 31 is in a condition suitable for allowance. A Notice of Allowance is, therefore respectfully requested.

Respectfully submitted,

YOUNG BASILE, P.C.



Denise M. Glassmeyer  
Attorney for Applicant(s)  
Registration No. 31831  
(248) 649-3333  
(248) 649-3338 (fax)  
glassmeyer@ybpc.com

3001 West Big Beaver Road, Ste 624  
Troy, Michigan 48084-3107

Dated: April 26, 2007  
DMG/ljo